

## Federal Labor Relations Authority

## § 2425.2

§§ 2424.42–2424.49 [Reserved]

### Subpart F—Criteria for Determining Compelling Need for Agency Rules and Regulations

#### § 2424.50 Illustrative criteria.

A compelling need exists for an agency rule or regulation concerning any condition of employment when the agency demonstrates that the rule or regulation meets one or more of the following illustrative criteria:

(a) The rule or regulation is essential, as distinguished from helpful or desirable, to the accomplishment of the mission or the execution of functions of the agency or primary national subdivision in a manner that is consistent with the requirements of an effective and efficient government.

(b) The rule or regulation is necessary to ensure the maintenance of basic merit principles.

(c) The rule or regulation implements a mandate to the agency or primary national subdivision under law or other outside authority, which implementation is essentially nondiscretionary in nature.

§§ 2424.51–2424.59 [Reserved]

### PART 2425—REVIEW OF ARBITRATION AWARDS

Sec.

2425.1 Applicability of this part.

2425.2 Exceptions—who may file; time limits for filing, including determining date of service of arbitration award for the purpose of calculating time limits; procedural and other requirements for filing.

2425.3 Oppositions—who may file; time limits for filing; procedural and other requirements for filing.

2425.4 Content and format of exceptions.

2425.5 Content and format of opposition.

2425.6 Grounds for review; potential dismissal or denial for failure to raise or support grounds.

2425.7 Requests for expedited, abbreviated decisions in certain arbitration matters that do not involve unfair labor practices.

2425.8 Collaboration and Alternative Dispute Resolution Program.

2425.9 Means of clarifying records or disputes.

2425.10 Authority decision.

AUTHORITY: 5 U.S.C. 7134.

SOURCE: 75 FR 42290, July 21, 2010, unless otherwise noted.

#### § 2425.1 Applicability of this part.

This part applies to all arbitration cases in which exceptions are filed with the Authority, pursuant to 5 U.S.C. 7122, on or after June 4, 2012.

[77 FR 26434, May 4, 2012]

#### § 2425.2 Exceptions—who may file; time limits for filing, including determining date of service of arbitration award for the purpose of calculating time limits; procedural and other requirements for filing.

(a) *Who may file.* Either party to arbitration under the provisions of chapter 71 of title 5 of the United States Code may file an exception to an arbitrator's award rendered pursuant to the arbitration.

(b) *Timeliness requirements—general.* The time limit for filing an exception to an arbitration award is thirty (30) days after the date of service of the award. This thirty (30)-day time limit may not be extended or waived. In computing the thirty (30)-day period, the first day counted is the day after, not the day of, service of the arbitration award. Example: If an award is served on May 1, then May 2 is counted as day 1, and May 31 is day 30; an exception filed on May 31 would be timely, and an exception filed on June 1 would be untimely. In order to determine the date of service of the award, see the rules set forth in subsection (c) of this section, and for additional rules regarding computing the filing date, see 5 CFR 2429.21 and 2429.22.

(c) *Methods of service of arbitration award; determining date of service of arbitration award for purposes of calculating time limits for exceptions.* If the parties have reached an agreement as to what is an appropriate method(s) of service of the arbitration award, then that agreement—whether expressed in a collective bargaining agreement or otherwise—is controlling for purposes of calculating the time limit for filing exceptions. If the parties have not reached such an agreement, then the arbitrator may use any commonly used method—